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Attorneys for Plaintiffs

TERRA BOZZINI, ADRIAN GONZALEZ, FERGUSON ENTERPRISES, LLC, 401(K)
RETIREMENT SAVINGS PLAN f/k/a FERGUSON ENTERPRISES, INC., 401(K)
RETIREMENT SAVINGS PLAN

[Remaining Counsel on the Following Page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TERA BOZZINI and ADRIAN GONZALES,
individually and as a representative of a
Putative Class of Participants and
Beneficiaries, on behalf of the FERGUSON
ENTERPRISES, LLC, 401(K) RETIREMENT
SAVINGS PLAN f/k/a FERGUSON
ENTERPRISES, INC, 401(K) RETIREMENT
SAVINGS PLAN,

Plaintiffs,

v.

FERGUSON ENTERPRISES, LLC,
f/k/a FERGUSON ENTERPRISES,
INC.; RETIREMENT PLAN
COMMITTEE OF FERGUSON
ENTERPRISES, LLC 401(K)
RETIREMENT SAVINGS PLAN;
WILLIAM BRUNDAGE; RICHARD
WINCKLER; CAPFINANCIAL
PARTNERS, LLC, d/b/a CAPTRUST
FINANCIAL ADVISORS; AND DOES
1-50,

Defendants.

Case No. 3:22-cv-05667-LB

**CORRECTED STIPULATION AND
ORDER EXTENDING TIME TO
RESPOND TO THE COMPLAINT
AND SETTING SCHEDULE FOR
BRIEFING ON MOTIONS TO
DISMISS**

Assigned to: Honorable William H. Orrick

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26 PLAN COMMITTEE OF FERGUSON
27 ENTERPRISES, LLC 401(K) RETIREMENT
28 SAVINGS PLAN; WILLIAM BRUNDAGE;
RICHARD WINCKLER

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16 Attorneys for Defendant
17 CAPFINANCIAL PARTNERS, LLC,
18 d/b/a CAPTRUST FINANCIAL ADVISORS

1 Plaintiffs Tera Bozzini and Adrian Gonzalez (“Plaintiffs”) and Defendants Ferguson
 2 Enterprises, LLC; Retirement Plan Committee of Ferguson Enterprises, LLC 401(k) Retirement
 3 Savings Plan; William Brundage; Richard Winckler; and CapFinancial Partners, LLC, d/b/a
 4 CAPTRUST Financial Advisors (“Defendants”) (together with Plaintiffs, the “Parties”), by and
 5 through their undersigned counsel, hereby stipulate as follows:

6 **WHEREAS**, Plaintiffs filed a Complaint against Defendants on September 30, 2022 in the
 7 above-referenced action;

8 **WHEREAS**, the Parties previously agreed by stipulation to extend Defendants’ time to file
 9 responsive pleadings to November 23, 2022 (*see* Dkts. 10, 12);

10 **WHEREAS**, the Parties have met and conferred and have agreed to a schedule that further
 11 extends Defendants’ time to file a responsive pleading, and that includes deadlines for briefing on
 12 motions to dismiss and on Plaintiffs’ filing of any amended complaint;

13 **WHEREAS**, the Parties agree that there is good cause for the negotiated schedule, given the
 14 length of the Complaint and the number and nature of claims in this action;

15 **WHEREAS**, the parties’ negotiated schedule will not affect or alter the date of any other
 16 event or deadline already fixed by the Court or otherwise affect the schedule of the case;

17 **NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE**, by and
 18 through their undersigned counsel, and subject to this Court’s approval:

- 19 1. Defendants’ time to file any motions to dismiss or otherwise respond to the
 20 Complaint is extended to December 14, 2022. Pursuant to Local Rule 6-1(a), this
 21 paragraph shall be effective upon the filing of this Stipulation with the Court.
- 22 2. Plaintiffs’ time to file oppositions to any motions to dismiss the Complaint, or to file
 23 an amended complaint, is extended to January 31, 2023.
- 24 3. In the event that Plaintiffs file oppositions to any motions to dismiss the Complaint,
 25 rather than filing an amended complaint, Defendants’ time to file replies in support
 26 of motions to dismiss the Complaint is extended to February 22, 2023.

4. By entering into this Stipulation, Defendants expressly reserve and do not waive any
and all defenses and challenges to Plaintiffs' action.

IT IS SO STIPULATED.

Dated: November 22, 2022

TOWER LEGAL GROUP, P.C.

By: /s/ James A. Clark

James A. Clark (SBN 278372)

Rene P. Ortega (SBN 283441)

Attorneys for Plaintiffs

TERRA BOZZINI, ADRIAN GONZALEZ,

FERGUSON ENTERPRISES, LLC, 401(K)

RETIREMENT SAVINGS PLAN f/k/a

FERGUSON ENTERPRISES, INC., 401(K)

RETIREMENT SAVINGS PLAN

Dated: November 22, 2022

McGUIREWOODS, LLP

By: /s/ Natalie M. Lagunas

Natalie M. Lagunas (SBN 318634)

Peter N. Farley

Summer L. Speight

Heidi E. Siegmund

Attorneys for Defendants

FERGUSON ENTERPRISES, LLC;

RETIREMENT PLAN COMMITTEE OF

FERGUSON ENTERPRISES, LLC 401(K)

RETIREMENT SAVINGS PLAN; WILLIAM

BRUNDAGE; RICHARD WINCKLER

Dated: November 22, 2022

SIDLEY AUSTIN LLP

By: /s/ Nicole M. Ryan

Nicole M. Ryan (SBN 175980)

Eric S. Mattson

Caroline A. Wong

Attorneys for Defendant

CAPFINANCIAL PARTNERS, LLC,

d/b/a CAPTRUST FINANCIAL ADVISORS

SIGNATURE ATTESTATION

I, Nicole M. Ryan, am the ECF User whose identification and password are being used to file the foregoing Corrected Stipulation and [Proposed] Order Extending Time to Respond to the Complaint and Setting Schedule for Briefing on Motions to Dismiss. Pursuant to Civil Local Rule 5-1(h)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained.

Dated: November 22, 2022

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Attorney for Defendant
CAPFINANCIAL PARTNERS, LLC,
d/b/a CAPTRUST FINANCIAL ADVISORS

ORDER

Pursuant to Stipulation, IT IS SO ORDERED.

Dated: December 1, 2022

A handwritten signature in black ink, appearing to read "W. H. Orrick", is written over a horizontal line.

THE HON. WILLIAM H. ORRICK

United States District Judge